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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

DAVID L. HICKS

versus

CIVIL CASE NUMBER 10-0084
JUDGE TOM STAGG

JOHNA PAGE, ET AL.

ORDER

Based on the foregoing Memorandum Ruling;

IT IS ORDERED that the defendants' motion for summary judgment (Record Document 40) is **GRANTED** in part and **DENIED** in part.

The motion is **GRANTED** to the extent that David Hicks's ("Hicks") false arrest claims, both his federal claim pursuant to 42 U.S.C. § 1983 and his state law claim, against all of the defendants are **DISMISSED WITH PREJUDICE**. The motion is further **GRANTED** as to Hicks's section 1983 excessive force claim against the City of Shreveport, which is **DISMISSED WITH PREJUDICE**.

The motion is **DENIED** with regard to Hicks's section 1983 excessive force claim against Roy Hall, M. A. Bianco, and C. W. Yarborough. The motion is further **DENIED** with respect to Hicks's state law tort claims against all of the defendants.

IT IS ORDERED that the remaining claims are **STAYED**, pursuant to Heck v. Humphrey, 512 U.S. 477, 114 S. Ct. 2364 (1994) and Wallace v. Kato, 549 U.S.

384, 127 S. Ct. 1091 (2007), until Hicks's related state criminal proceedings are resolved. The Clerk is directed to close the case for administrative purposes. Any party may move the court to reopen the case and lift the stay upon a showing that the Heck issues have been resolved.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 8th day of September 2011.


JUDGE TOM STAGGS